

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICHARD ALLEN GRANBOIS,

Defendant.

CR-18-32-GF-BMM

ORDER

Defendant Richard Allen Granbois appeared before United States Magistrate Judge John Johnston on August 23, 2018 and entered a plea of guilty to Possession with Intent to Distribute Methamphetamine (Count I) and Possession of a Firearm in Furtherance of a Drug Trafficking Crime (Count II), as set forth in the Indictment. (Doc. 42.) Granbois admitted true to the forfeiture allegation as contained in the Indictment. *Id.* Judge Johnston entered Findings and Recommendations on January 29, 2019. (Doc. 44.)

Judge Johnston determined: (1) that Granbois was fully competent and capable of entering an informed and voluntary plea and voluntary admission to the forfeiture allegation; (2) that Granbois was aware of the nature of the charges against him and the consequences of pleading guilty to Count I and Count II of the

Indictment; (3) that Granbois understood the forfeiture allegation and the consequences of admitting to that allegation; (4) that Granbois understood his constitutional rights, and the extent to which he was waiving those rights by pleading guilty and admitting to the forfeiture allegation; (5) that Granbois's plea of guilty was knowing and voluntary plea supported by an independent basis in fact sufficient to prove each of the essential elements charged in Count I and Count II and the legal basis for the forfeiture; (6) that Granbois had adequate time to review the Plea Agreement with counsel; and (7) that Granbois understood each provision of the Plea Agreement. (Doc. 44 at 1-2.) Judge Johnston recommended that the Court accept Granbois's plea of guilty to Possession with Intent to Distribute Methamphetamine (Count I) and to Possession of a Firearm in Furtherance of a Drug Trafficking Crime. *Id.* at 2. Judge likewise recommended that the Court accept Granbois's admission of true to the forfeiture allegation as contained in the Indictment. *Id.*

Neither party filed objections. Accordingly, the Court will review Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error and adopts Judge Johnston's Findings and Recommendations in full.

Accordingly, **IT IS ORDERED:**

1. Judge Johnston's Findings and Recommendations (Doc. 44) is
ADOPTED IN FULL.
2. Granbois's Motion to Change Plea (Doc. 35) is **GRANTED.**
3. The Court will defer acceptance of the Plea Agreement (Doc. 40) until
sentencing, at which time the Court will have reviewed both the Plea
Agreement and the Presentence Investigation Report.

DATED this 1st day of March, 2019.



Brian Morris
United States District Court Judge